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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,841	12/11/2003	Scott Broussard	AUS920031011US1(4032)	2183
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IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,841

Applicant(s)

BROUSSARD ET AL.

Examiner

CUONG H. NGUYEN

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication received on 2/15/05.
2. Claims 1-24 are pending. Independent claims 1, 11, and 19 are currently amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 22, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipate by Whitham (US Pat. 6,526,351).**

A. As for independent claim 22: Whitham teaches a method for providing information (see Whitham, the abstract), comprising:

- receiving from a user at a current location information and a particular, different location (note: the patented interactive multimedia guide produces a distance by using 2 different locations (a differential information i.e., DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Fig.5);

- determining the current location (using DeLorme Earthmate® receiver for the Palm® PDA - GPS enabled map program via GIS (see Whitham, Fig.8A ref. 801; 2:54-63, and 4:24-37);
- determining a particular location based on the current location and the different information (i.e., a business name within 25 miles from a current location - using GPS enabled map program via GIS (see Whitham, 2:54-63 and 3:20-42);- providing a

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location-based service (i.e., an interactive multimedia tour guide, see Whitham, 3:60-63); and

- transmitting/displaying information to the user (see Whitham, Fig.3E).

B. As to claim 24: Whitham teaches that a location-based service may be an information service providing information related to a particular location (an interactive tour guide using a DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Figs. 5,7). That interactive device comprises wirelessly transmitting a request for a location-based service and wirelessly receiving results from a location-based service (see Whitham, Figs. 8A-8C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 5, 11, 15, 17-19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitham (US Pat. 6,526,351), in view of Trossen (US Pat. Application Publication US 2005/0059410 A1).**

A. As for claims 1, 5, 11, 15, 17-19, 21: Whitham teaches a method, a medium containing instruction to perform said method, and an apparatus for utilizing a location-based service (see Whitham, the abstract), comprising:

- receiving from a user at a current location information and a particular, different location (note: the patented interactive multimedia guide produces a distance by using 2 different locations (a different information i.e., DeLorme Earthmate® receiver for the Palm(R) PDA - Whitham, Fig.5);

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- a. determining the current location (using DeLorme Earthmate® receiver for the Palm® PDA - GPS enabled map program via GIS (see Whitham, Fig.8A ref. 801; 2:54-63, and 4:24-37);
- b. determining a particular location based on the current location and the different information (i.e., a business name within 25 miles from a current location - using GPS enabled map program via GIS (see Whitham, 2:54-63 and 3:20-42);- providing a location-based service (i.e., an interactive multimedia tour guide, see Whitham, 3:60-63); and
- c. transmitting/displaying information to the user (see Whitham, Fig.3E).

Whitham does not disclose “different information” is actually “differential information.

However, Trossen et al., expressly disclose about receiving “differential information”, and providing a location-based service (see Trossen et al., the abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine both Whitham and Trossen et al. to providing differential information, and providing a location-based service for the benefit of providing mapping services outside a service area when receiving a request from a customer, the service provider would be capable of providing the requested differential location service based upon a comparison of a current location and a geographic area in question.

B. As to claims 2-3, 16, and 20: Whitham also teaches about transmitting directional information comprises an indication of digital compass direction between the current location and the particular location (see Whitham, 15:18-21).

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C. As to claim 4: Whitham inherently teaches about directional information comprising an angle of rotation (i.e., showing a map with a turn right 90-degree direction to arrive a destination – see Whitham Fig.5, ref.52).

D. As to claim 7, 14: Whitham teaches about transmitting a request for rating information (see Whitham, Fig.2 ref. 204).

E. As to claim 8: Whitham inherently teaches that a location-based service may be a mapping service (with the use of DeLorme Earthmate® receiver for the Palm® PDA - GPS enabled map program via GIS (see Whitham, Fig.7; 2:54-63, 3:61-62, and 4:24-37);

F. As to claims 9-10, 13, 24: Whitham teaches that a location-based service may be an information service providing information related to a particular location (an interactive tour guide using a DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Figs. 5,7). That interactive device comprises wirelessly transmitting a request for a location-based service and wirelessly receiving results from a location-based service (see Whitham, Figs. 8A-8C).

G. As to claim 12: It contains limitations of claim 1 and claim 2; therefore, the same rationales and reference of Whitham are applied as set forth.

H. As to claim 23: It contains limitations of claim 2 and claim 5; therefore, the same rationales and reference of Whitham are applied as set forth.

5. Dependent claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitham (US Pat. 6,526,351), in view of Trossen (US Pat. Application Publication US 2005/0059410 A1), further in view of Bodin et al. (US Pat. 6,813,559 B1).

The rationales and references for claim 1 rejection are incorporated.

Whitham and Trossen do not disclose about a height of a location.

However, using GPS and a PDA Bodin et al. use a height/altitude to indicate a coordinate of an UAV (see Bodin et al., Fig.1, 5:1-4).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Whitham, Trossen et al., and Bodin et al. to include extra coordination: an altitude coordination as recommended by Bodin et al. for the benefit of completely providing 3-dimension coordination of an object using GPS in mappings.

Response to Amendment

6. The examiner maintains previous rejection for independent claim 22 because the language of current claim 22 never states that a particular location is a different location as argued on page12 line 11 (in the REMARKS submitted on 2/15/05) – therefore, it can be interpreted that a particular location could be a current location, and this is suggested by Whitham). Claims 1-21 are amended; therefore, the arguments are moot with new grounds of rejections as shown.

Conclusion

7. Claims 1-24 are not patentable. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office Action . Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:00 am - 3:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong Nguyen

CHA
CUONG H. NGUYEN
Primary Examiner
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